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Dated: 3/9/04 Signature: [Signature]
(Ginny Blundell)

Docket No.: DIIF-P01-001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lynch et al.

Application No.: 10/662976

Confirmation No.: 2258

Filed: September 15, 2003

Art Unit: 2681

For: WIRELESS COMMUNICATION DEVICE
AND METHOD FOR RESPONDING TO
SOLICITATIONS

Examiner: Not Yet Assigned

**PETITION UNDER 37 CFR 1.47(a) AND
STATEMENT OF FACTS IN SUPPORT OF THE PETITION**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Mr. Steven Walker was employed by DIGITAS LLC until April 23, 2002, and participated in the conception of the subject matter disclosed in US provisional patent Application Serial No. 60/410,863, filed 13 September 2002, to which the above-referenced US Application Serial No. 10/662,976 (the "Application") claims priority.

2. To the best of my knowledge, Mr. Steven Walker is a co-inventor with Mr. Steven D. Brennan and Steven Lynch of the Application.

3. Mr. Walker, by virtue of his Termination Agreement (the "Agreement") with DIGITAS LLC dated May 31, 2002, had, and still has, an obligation to assign all of his rights in and to the invention, and all related patent applications, to DIGITAS LLC.

4. The Application was filed on 15 September 2003 with an unsigned Declaration.

5. Mr. Walker's last known mailing address is:

287 Hunnewell Street, Needham Heights, MA 02494

6. On September 16, 2003, ROPES & GRAY LLP mailed a copy of the application as filed, along with a copy of the Declaration for Mr. Walker's signature, to Mr. Walker at his last known mailing address by Certified Mail with Return Receipt. The mailed documents were returned to ROPES & GRAY LLP unclaimed.

7. On December 30, 2003, ROPES & GRAY LLP again mailed copies of the application and the Declaration by both Certified Mail and Priority Mail to Mr. Walker at his last known mailing address. By tracking the Priority Mail, ROPES & GRAY LLP was able to confirm that the item was delivered on January 5, 2004, at this address.

8. Mr. Walker contacted ROPES & GRAY LLP around January 10, 2004 and orally acknowledged his intent to sign the Declaration and transmit the signed Declaration to ROPES & GRAY LLP, although he never did so.

9. As of March 9, 2004, Mr. Walker has failed to sign the Declaration and provide the same to ROPES & GRAY LLP.

10. Mr. Walker's failure to sign the Declaration, after numerous requests and oral acknowledgement to do so constitutes a refusal to sign which will result in irreparable damage to DIGITAS LLC in that the Application will become abandoned unless the Petition under 37 CFR 1.47(a) is granted. Such abandonment could result in the loss of U.S. and international proprietary rights in and to the technology embraced by the Application.

11. A Declaration signed by the co-inventors Mr. Steven D. Brennan and Steven Lynch on behalf of Mr. Walker is enclosed herewith.

The petition fee of \$130 under 37 CFR 1.17(h) is enclosed herewith. If additional fees are due with this response, please charge our Deposit Account No. 18-1945, under Order No. DIIF-P01-001 from which the undersigned is authorized to draw.

Dated: March 9, 2004

Respectfully submitted,

By 

Wolfgang E. Stutius

Registration No.: 40,256

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